

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JULIO PEREZ, JR., #852734

§

VS.

§

CIVIL ACTION NO. 5:08cv161

DAVID L. HUDSON, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Julio Perez, Jr., an inmate confined at the Telford Unit of the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation and a Supplemental Report and Recommendation concluding that the complaint should be dismissed. The Plaintiff has filed objections and supplemental objections.

The Reports of the Magistrate Judge, which contain her proposed findings of fact and recommendations for the disposition of such action, have been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Reports, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Therefore the findings and conclusions of the Magistrate Judge are adopted as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendants' motion to dismiss for failure to exhaust administrative remedies (docket entry #53) is **GRANTED** with respect to all of the Plaintiff's claims except for Claim A about Disciplinary Case No. 2008009225, and such claims are **DISMISSED** without prejudice pursuant to 42 U.S.C. § 1997e(a). It is further

ORDERED that the Plaintiff's Claim A concerning Disciplinary Case No. 2008009225 is
DISMISSED with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 1st day of July, 2009.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE